

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ANTHONY ROSHON ROBERTS, SR.,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-10-1392-M
)	
ROBIN ROOF, et al.,)	
)	
Defendants.)	

ORDER

On May 5, 2011, United States Magistrate Judge Gary M. Purcell issued a Supplemental Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983. The Magistrate Judge recommended that the Motion to Dismiss filed by defendants Inks, Roof, and Taylor be granted and that the cause of action be dismissed due to plaintiff's failure to exhaust available administrative remedies concerning all of his claims. Alternatively, with respect to plaintiff's claim in counts one and two of deliberate indifference by defendants to his serious medical needs, the Magistrate Judge recommended that defendants Inks, Roof, and Taylor's Motion to Dismiss be converted to a motion for summary judgment and so construed be granted and judgment issue in favor of defendants and against plaintiff as to plaintiff's claim of deliberate indifference to his serious medical needs in counts one and two of the Amended Complaint. The parties were advised of their right to object to the Supplemental Report and Recommendation by May 25, 2011. On May 12, 2011, plaintiff filed his objection, and on May 16, 2011, plaintiff filed an additional declaration.

Having carefully reviewed this matter de novo, the Court:

- (1) ADOPTS the Supplemental Report and Recommendation of the Magistrate Judge issued on May 5, 2011;
- (2) GRANTS the Motion to Dismiss filed by defendants Inks, Roof, and Taylor [docket no. 40]; and

- (3) DISMISSES plaintiff's claims against defendants Inks, Roof, and Taylor for failure to exhaust available administrative remedies.

IT IS SO ORDERED this 18th day of May, 2011.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE